

# Order

**Michigan Supreme Court  
Lansing, Michigan**

March 28, 2012

Robert P. Young, Jr.,  
Chief Justice

143347

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

SCION, INC., d/b/a SCION STEEL,  
Plaintiff/Garnishee Plaintiff-Appellee,

v

SC: 143347  
COA: 295178  
Macomb CC: 2008-005018-CK

RICARDO MARTINEZ, JOSEPH ZANOTTI,  
PETER FEAMSTER, and HERSH COMPANY,  
INC.,

Defendants,

and

FORD MOTOR COMPANY,  
Garnishee Defendant,

and

GONZALEZ CONTRACTING SERVICES, d/b/a  
GONZALEZ MANUFACTURING  
TECHNOLOGIES and INDUSTRIAL DESIGN  
INNOVATIONS, INC.,  
Intervenors-Appellants.

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On order of the Court, the application for leave to appeal the March 3, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REINSTATE the Macomb Circuit Court's September 18, 2009 opinion and order. The Court of Appeals erred in vacating the trial court's decision that granted the motion to intervene filed by Gonzalez Contracting Services, Inc., and Industrial Design Innovations, Inc., and invalidated the plaintiff's writ of garnishment. The Court of Appeals erred in holding that the motion to intervene was untimely, where timeliness was not raised by any party below, and where the motion was consistent with intervention by right under MCR 2.209(A), and with the court rules governing garnishment after judgment, see MCR 3.101(L)(2), (M)(1). The Court of Appeals also erred in holding that the plaintiff's writ of garnishment, which was sought and issued in violation of

MCR 2.614(A)(1), had priority over the perfected security interest of intervenor Industrial Design Innovations, Inc. Accordingly, we REINSTATE the Macomb Circuit Court's decision that granted the motion to intervene, invalidated the plaintiff's writ, and released the escrowed funds to intervenor Industrial Design Innovations, Inc.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 28, 2012

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk